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Dated: January 31, 2008

Signature: _____

(Thomas M. Palisi)

Docket No.: REGIM 3.3-076
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Philippe Erbs

Application No.: 10/565,230

Group Art Unit: 1633

Filed: January 20, 2006

Examiner: M. G. Leavitt

For: POLYPEPTIDE HAVING AN IMPROVED
CYTOSINE DEAMINASE ACTIVITY

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Office Action mailed December 12, 2007, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-11, 30, 31, 38 and 47, drawn to a polypeptide possessing Cytosine Deaminase (CDase) activity.

II. Claims 12-29, 39, 40, 41 and 42-46, drawn to nucleic acid sequence which encodes a polypeptide possessing CDase activity, a recombinant vector comprising said polynucleotide, a process for preparing a viral particle, a viral particle comprising said recombinant vector, a host cell comprising said nucleotide sequence and a composition comprising said nucleic acid sequence.

III. Claims 35-37, 48-52 are drawn to a method of treating a disease comprising administering a therapeutically